

## Message Text

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C O N F I D E N T I A L LAGOS 7171

E.O. 11652: GDS  
TAGS: PGOV, PDEV, NI  
SUBJECT: THE CA: EXPRESSIONS OF REGRET

REF: (A) LAGOS 7114, (B) LAGOS 7030

1. IN A JUNE 9 EDITORIAL, THE NEW NIGERIAN (NN) EXPRESSES ITS REGRET OVER THE "INGLORIOUS CONCLUSION" OF THE DELIBERATIONS OF THE CONSTITUENT ASSEMBLY (CA) AND LAYS THE BLAME FOR IT ON CHAIRMAN UDO UDOMA. NN ALSO CRITICIZES THE PERFORMANCE OF MCAS, PARTICULARLY THEIR DECISION ON SHARIA, AND SAYS THAT THE CONSTITUTION WHICH THE ASSEMBLY HAS PRODUCED IS NOT A "LASTING SOLUTION" TO THE COUNTRY'S PROBLEMS.

2. ON THE JUNE 5 ADJOURNMENT OF THE CA, NN NOTES:  
--IT IS A GREAT PITY THAT THE CONSTITUENT ASSEMBLY ENDED ITS MEETING ABRUPTLY AND IN CONFUSION. SUCH A AUGUST BODY MADE UP OF EMINENT NIGERIANS OUGHT TO HAVE ENDED ITS DELIBERATIONS WITH DIGNITY AND IN GOOD ORDER.  
--LAST MONDAY'S DEBACLE IN THE ASSEMBLY HAS LED MANY PEOPLE TO DOUBT BOTH THE CREDIBILITY AND THE LEGITIMACY OF THE DOCUMENT THAT WILL EMERGE FROM THE ASSEMBLY.

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3. CONCERNING CHAIRMAN UDOMA, NN EDITORIAL COMMENTS:  
--THE RESPONSIBILITY FOR THIS INGLORIOUS CONCLUSION SHOULD LIE SQUARELY ON THE CHAIRMAN OF THE ASSEMBLY, MR. JUSTICE UDO UDOMA. HIS DETERMINED EFFORT TO PROTECT SECTION 3 OF THE CONSTITUTION, A SECTION THAT NEEDS NO PROTECTION, IS THE IMMEDIATE CAUSE OF THIS

UNFORTUNATE EPISODE. THE CHAIRMAN'S LEGALISTIC APPROACH TO THE ISSUE AND HIS DEFIANCE OF THE OVERWHELMING MAJORITY OF THE MEMBERS OF THE ASSEMBLY WAS UNFORTUNATE AND UNWARRANTED. CONSTITUTION-MAKING IS NOT A LEGAL OCCASION, BUT A POLITICAL OCCASION.

--REGRETTABLY, THE CHAIRMAN'S HANDLING OF ITS PROCEEDINGS DID VIOLENCE TO DEMOCRATIC PROCESS AND ROBBED IT OF INGREDIENTS THAT COULD HAVE MADE IT POSSIBLE FOR THE ASSEMBLY TO MAKE A VALUABLE CONTRIBUTION IN THE POLITICAL PROCESS. AT THE END, MOST OF THE MCAS BECAME DISENCHANTED WITH HIS ROUGH TACTICS.

4. AS FAR AS THE NN IS CONCERNED, THE CONSTITUTION WHICH THE CA HAS PRODUCED IS NOT A "LASTING SOLUTION TO NIGERIA'S PROBLEMS:"

--IT IS IMPORTANT TO REMEMBER THAT EVEN IF THE ASSEMBLY HAD COME TO THE PROPER CONCLUSION AND HAD PRODUCED A CONSTITUTION ON WHICH THE MCAS ARE UNANIMOUSLY AGREED, THE DOCUMENT CANNOT PROVIDE A LASTING SOLUTION TO NIGERIA'S PROBLEMS. THE CONSTITUENT ASSEMBLY CANNOT BE THE LAST OF ITS NATURE. ANYONE WHO INDULGES IN THE FOOLISH NOTION THAT THIS IS OUR FINAL ACT OF CONSTITUTION-MAKING CANNOT HAVE TAKEN INTO ACCOUNT NIGERIA'S REALITIES, PROBLEMS AND ASPIRATIONS.

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5. THE NN ALSO NOTES THAT:

--THE MEMBERS OF THE CONSTITUENT ASSEMBLY ARE, HOWEVER, NOT BLAMELESS IN THE FAILURES OF THE ASSEMBLY. IN THE COURSE OF THEIR DELIBERATIONS, THEY TOOK DECISIONS THAT WERE BLATANTLY ACTS OF BAD FAITH. THESE CAN ONLY WEAKEN THE POLITICAL ARRANGEMENT THAT THE CONSTITUTION WAS EXPECTED TO LAY OUT. SECONDLY, THESE DECISIONS ALSO DID NOT TAKE INTO CONSIDERATION THE BELIEFS OF THE PEOPLE OF THIS COUNTRY. A GOOD EXAMPLE IS THE DECISION ON THE PROPOSED FEDERAL SHARIA COURT OF APPEAL.

6. THE NN CONCLUDES, "THE ONLY SILVER LINING IN THE PRESENT SITUATION IS THAT THE ABRUPT ENDING OF THE CONSTITUENT ASSEMBLY WILL LEAD TO AN EARLY LIFTING OF THE BAN ON POLITICS. THIS IS THE ONLY WAY TO TAKE AN ADVANTAGE OF THE REGRETTABLE EPISODE."

7. COMMENT: NN EDITORIAL IS INDICATIVE OF THE GENERAL SENSE OF DISAPPOINTMENT AND DISMAY WHICH WE ENCOUNTERED THIS WEEK AMONG MCAS AND JOURNALISTS WHO COVER THE ASSEMBLY. FOR CA AFFICIONADOS, THE

ASSEMBLY DESERVED A BETTER FATE WHICH WOULD HAVE INCLUDED APPROPRIATE CONCLUDING CEREMONY AND THE STANDARD PLEDGES OF FAITH AND UNITY. SUCH A CONCLUSION WOULD HAVE CONTRIBUTED IMMEASURABLY TO THE LEGITIMACY OF THE NEW CONSTITUTION AND THE SYSTEM IT MUST ESTABLISH.

8. WE CAN IMAGINE, HOWEVER, THAT UDOMA AND THE FMG, WHILE COGNIZANT OF THESE CONCERNS, MUST HAVE DECIDED THAT IT WAS MORE IMPORTANT TO GET THE MCAS OUT OF TOWN. ACCORDING TO SEVERAL POLITICAL JOURNALISTS WHO COVER THE CA, UDOMA ACTED WITH THE FULL CONCURRENCE OF THE FMG. THE NEW STATE DEAL WHICH WAS BEING DRAWN UP (REF A) WOULD HAVE CALLED FOR A PACKAGE INCLUDING ONE NEW NORTHERN STATE, KATSINA, A NEW STATE CARVED OUT OF CONFIDENTIAL

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BENUE AND TWO NEW STATES CREATED IN EASTERN STATES WITH A NORTH/SOUTH SPLIT OF CROSS RIVER AND NEW ENUGU STATE CARVED OUT OF AMAMBRA. TO CONSUMMATE THE DEAL, SOME MOVEMENT ON SHARIA WOULD HAVE BEEN NEEDED IN THE ASSEMBLY. SUPPOSEDLY, WHEN UDOMA GOT WIND OF THE MANEUVERING, HE AND THE FMG DECIDED TO TERMINATE THE CA WITHOUT DELAY. END COMMENT.  
WYMAN

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NNN

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